

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MINNESOTA**

**STATUS CONFERENCE**

In Re: Pork Antitrust Litigation

**COURT MINUTES**

BEFORE: John R. Tunheim  
U.S. District Judge

John F. Docherty  
Magistrate Judge

Case No: 18-1776 JRT/JFD  
Date: October 17, 2022  
Deputy: Heather Arent  
Court Reporter: Kristine Mousseau  
Time Commenced: 10:07 a.m.  
Time Concluded: 11:02 p.m.  
Time in Court: 55 Minutes

Hearing on: Status Conference

**I. Discovery Matters**

The parties indicated that they intend to conduct many depositions after the October 31, 2022 fact discovery closure. The Court indicated that it would allow an extension of time to conduct those depositions. The parties also stated that an extension may be necessary to respond to certain discovery requests. The parties agreed to meet and confer to determine what extension, if any, is necessary.

The Court acknowledged that there are two pending discovery motions: a motion to compel and a motion for a letter rogatory. The Court will enter an order on those matters in due course.

**II. Consolidated DAP Complaint**

The Direct Action Plaintiffs (DAPs) requested an extension to file their Consolidated Complaint. The Court granted an extension until December 5, 2022. The Court does not anticipate the Consolidated Complaint will raise any new substantive claims or matters. The Consolidated Complaint may, however, incorporate facts that the DAPs learned during discovery.

The Court also confirmed that the Commonwealth of Puerto Rico need not sign on to the Consolidated Complaint because the Defendants already responded to its complaint.

### **III. Class Certification Hearing**

The Class Plaintiffs and the Defendants both proposed when the class certification hearing and potential corresponding evidentiary hearing should occur. Both parties argued in favor of their preferred timelines.

The Court indicated that it will hold the class certification hearing on Tuesday, **January 31<sup>st</sup>, 2023 at 10:00 a.m.** It does not anticipate that the hearing will address evidentiary issues, but the Defendants may file a letter soon with the Court if they believe an evidentiary hearing is necessary and appropriate. The briefing deadlines will remain the same.

### **IV. Leadership Structure**

The Class Plaintiffs argue that their current leadership is sufficient. The Court will take the parties' arguments under advisement and issue an order on case leadership in due course. The Court indicated that the Commonwealth of Puerto Rico will have representation in any leadership structure.

### **V. Future Status Conference**

The Court indicated that it will hold monthly status meetings going forward, likely conducted via videoconference. The parties should submit a joint agenda at least three days before each status conference. The Defendant's proposed several dates, but their proposed January meeting date of Monday, January 16, 2023 should be altered because it is a holiday.

The November status conference is set for **November 17, 2022 at 10:00 a.m.** via video conference and will address harmonizing pretrial schedules and setting deadlines for expert discovery and summary judgment motions. The parties should meet and propose a schedule prior to the November status conference.

### **VI. Smithfield and CIIPP Settlement Final Approval and Motion for Attorneys' Fees**

The Commercial and Institutional Indirect Purchaser Plaintiffs argued in favor of the settlement with Defendant Smithfield. They described the notice process that was used to inform the settlement class and how they calculated their attorneys' fees. The Court indicated that it intends to grant both the motion for final approval and the motion for attorneys' fees.

s/Heather Arent  
Courtroom Deputy Clerk